

**BDCP/California Water Fix RDEIR/SDEIS
Comment Form**

Document: July 15, 2015 Public Draft—RDEIR/SDEIS Section 4 – previous unresolved June 2015 comments on Administrative Draft

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Note: All page and line numbers correspond to the second Administrative Draft RDEIR/SDEIS submitted to CDFW for review in June 2015.

No	Page	Line #	Comment	ICF Response
Lesser sandhill crane				
1	4.3.8-150	17-19	<u>Comment on administrative draft:</u> Refer to the habitat model developed in Chapter 12, Alternative 4, for lesser sandhill crane foraging habitat and use area.	Not addressed ICF stated the model is the same for both subspecies. The BDCP model for GSCR (Appendix 3A) is not the same as the LSCR model (Figure 12-22). The LSCR model shows foraging habitat as far south as CCF, while the GSCR model cuts foraging habitat to north of Discovery Bay. Neither model depicts “roosting and foraging” separate from “foraging”.
2	4.3.8-151	27	<u>Comment on administrative draft:</u> Be sure foraging habitat impacts are analyzed against the lesser crane model and not the greater crane model. There should be a different number here based on the additional foraging habitat south of the GSCR foraging habitat and winter use area, as far south as Clifton Court Forebay.	Partially addressed ICF stated that the impacts analysis uses the LSCR model, limited to the crane use area, and that the impact analysis focuses on the area where cranes are present. Gary Ivey’s “crane use area” is depicted as the GSCR winter use area in BDCP Appendix 3A. It is not clear where the LSCR crane use area is, as delineated by G. Ivey, and if it matches the foraging habitat model in Figure 12-22. Please explain if this analysis is based on the LSCR winter use area. Impacts to foraging habitat for both subspecies are not the same, due to LSCR foraging a greater distance from roosting sites than GSCR. The numbers reflect higher impacts for LSCR foraging habitat, but this is not well explained.
3	4.3.8-152-153	35-46 1-13	<u>Comment on administrative draft:</u> Impacts described appear to be confined to the greater sandhill crane use area and do not include impacts south of the area in the modeled foraging habitat for lesser	Partially addressed <u>ICF response:</u> “impacts are for lesser sandhill crane use area which is very similar to GSHC boundary but there is more

			sandhill crane. We suggest updating this analysis to include impacts south of Venice Island.	foraging habitat impacted by the conveyance facility because of the increased foraging distance from roost sites.” <u>Follow up comment:</u> We suggest adding a reference to the LSCR use area and clarifying how “roosting and foraging” habitat differs from “foraging” in the LSCR model (e.g, if “roosting and foraging” is restricted to the GSCR use area or if it contains only mapped roost sites). This section does not describe impacts from roads, access shafts, transmission lines, or geotech on Mandeville and Bacon Islands, which overlap modeled foraging habitat in both subspecies models, but not roosting habitat. This analysis is still incomplete without a clear description of what is being analyzed.
4	4.3.8-153-154	18-25 1-10	<u>Comment on administrative draft:</u> Table 12-4A-31. Update these numbers based on comments above (lesser sandhill crane foraging habitat model, not greater sandhill crane model). The same with EC impacts that follow.	Same as status as comments on page 4.3.8-151, line 27 and page 4.3.8-152, lines 35-46.
5	4.3.8-154-155	40-43 1-2	<u>Comment on administrative draft:</u> Same as comment on pages 4.3.8-153-4.	Same as status as comments on page 4.3.8-151, line 27 and page 4.3.8-152, lines 35-46.
6	4.3.8-155	7	<u>Comment on administrative draft:</u> This number would change if impacted foraging acres are adjusted. Need to ensure restoration/protection still meets or exceeds the 1:1 mitigation requirement for foraging habitat.	See status of comments on page 4.3.8-151, line 27 and page 4.3.8-155, line 39 (below). If 4811 acres of foraging habitat will be protected for both subspecies based on impacts to LSCR foraging habitat, this would meet the proposed 1:1 mitigation for LSCR.
7	4.3.8-155	39	<u>Comment on administrative draft:</u> This number needs to be consistent with the number in the greater sandhill crane section; the greater section probably needs to be updated.	Partially addressed Page 146, line 38 was not updated to 4811 for LSCR or for GSCR on page 132, line 34. Restoration and Performance Principle GSC1 does not specify acreage. If 4811 acres of foraging habitat will be protected, the change needs to be cascaded to these sections.
8	4.3.8-157	3	<u>Comment on administrative draft:</u> Include “and AMM30 Transmission Line Design and Alignment Guidelines.”	Not addressed <u>ICF response:</u> “Included AMM30.” Reference to AMM30 does not appear in this section.
9	4.3.8-157	19	<u>Comment on administrative draft:</u> Remove the word “dramatically”.	Not addressed, global comment.
10	4.3.8-	39-40	<u>Comment on administrative draft:</u> Also discuss benefits of	Not addressed

	158		implementing AMM 30 here.	ICF response: “added AMM30”. AMM30 is not referenced in the CEQA conclusion.
11	4.3.8-163		<u>Comment on administrative draft:</u> There should be an inundation section for this species even though there are no impacts, for consistency with other species.	Partially addressed Throughout the document inundation impact headers are not included where there are no impacts anticipated. Those sections need to be removed to provide consistency.
Least Bell’s vireo and yellow warbler				
12	4.3.8-165	35	<u>Comment on administrative draft:</u> AMMs are not described below, they are listed below. They are described in Appendix 3.C of the draft BDCP and in Appendix D.	Not addressed It is still not clear in this section which AMMs are being referred to for O&M.
13	4.3.8-165	36-38	<u>Comment on administrative draft:</u> There should be a discussion here about yellow warbler nesting in the study area as well. The BSSC account (Heath 2008) states the species is largely extirpated as a breeder in the Delta; however, nests were found in the SJRNWR in 2002 and 2003. Therefore, reestablishment of a breeding population of yellow warbler is also possible.	Partially addressed <u>ICF response:</u> “Possible but unlikely over the new permit term. Added text to clarify.” Text was changed to clarify. However, we suggest acknowledging the possibility of at least one breeding pair of either species occurring during the project term, rather than assuming such presence is unlikely. Many sources imply riparian restoration could bring in one or more breeding pair(s) of either species (USFWS 2005, Heath 2008). The LBVI detections in the Yolo Bypass were singing males, and the CalFed program considered these detections a result of successful restoration.
14	4.3.8-168	9-12	<u>Comment on administrative draft:</u> Even if one pair breeds, fragmentation of habitat can cause edge effects such as exposure to cowbird parasitism, a major threat to both species. This should be discussed here. It is not clear why fragmentation would have a minimal effect if there are only a small number of individuals. If there is one breeding pair and fragmentation causes that nest to fail, this is not a minimal effect on a species that is considered extirpated from the Delta and is starting to return. This conclusion could be made if AMM 20 and/or MM BIO-75 adds a measure that nests will be monitored post construction where fragmentation has occurred, and appropriate actions will be taken to minimize resulting edge effect (e.g., cowbird control).	Partially addressed The cowbird problem was addressed and language suggested in comment on page 4.3.8-168, lines 24-28 below was added. We still suggest to delete the sentence that assumes a small number of occurrences would qualify the fragmentation impact as a low effect on the species for the reasons described in this comment (ie, impacting reestablished breeding in the Delta could prevent the species’ range expansions and recovery). The implementation of AMMs, BIO-75 and adaptive management described thereafter would minimize the impacts.
15	4.3.8-168	32-38	<u>Comment on administrative draft:</u> According to the valley/foothill riparian natural community impact analysis, Valley/foothill riparian will be restored primarily in CZ 4 and CZ 7 in the Cosumnes/Mokelumne and South Delta ROAs. The transmission	Partially addressed Language was updated per this comment, but states lack of occurrences as one of the reasons strikes are unlikely. The recent LBVI occurrence data imply LBVI could be present in the Delta but

			lines to be installed along the tunnel alignment south of Lambert Road and from the Intermediate Forebay to RTM overlap the Cosumnes/Mokelumne ROA, and birds attracted by this restoration could be affected. The reasons discussed here do not make collision with transmission lines highly unlikely. The bird strike analysis for least Bell's vireo should be discussed instead and inferred for yellow warbler, as well as the effectiveness of diverters installed for greater sandhill crane.	undetected. We suggest omitting this reasoning and instead focusing on each species' use of habitat, behavior, and diverters. It should also be noted that at least one study indicated yellow warbler and other species of vireos were found dead under powerlines (EPRI 2003), so strikes are not "highly unlikely". Strikes may be minimized by the birds' behaviors, and would be further minimized if powerline right-of-ways provide a buffer from the riparian habitat.
16	4.3.8-169	3-7	<u>Comment on administrative draft:</u> See comment 10	Partially addressed, see status for comment on page 4.3.8-168 lines 32-38.
San Joaquin kit fox and American badger				
17	4.3.8-295	25	<u>Comment on administrative draft:</u> Since the BDCP conservation strategy isn't part of Alternative 4A, this sentence should point to the corresponding EC(s).	Not addressed. ECs and RRPPs are described in this chapter. This section should not reference Chapter 3 of the draft BDCP. The ECs and RRPPs need to ensure the same goals of the conservation strategy.
18	4.3.8-296 297	35-36 1-8	<u>Comment on administrative draft:</u> In this paragraph, badgers need to be included in the discussion. Passive recreation could result in disturbance of San Joaquin kit foxes and American badgers at their den sites, particularly natal sites (Kirks 2015), and close contact with an aggressive badger could be a threat to human safety. Though disease from domestic dogs may not be an issue, we suggest updating AMM37 Recreation so that trails are buffered from active SJ kit fox and badger dens (BDCP Appendix 3.C, page 83, lines 1-3) to minimize disturbance and human encounters. We also suggest prohibiting rodent control when either species is present. Restrictions need to be discussed for both species to state that recreation effects will be minimal for both species.	Partially addressed Though the language here and ICF's response indicate a modification to AMM37, the modification does not show up in Appendix D to include badger dens.
19	4.3.8-297	15-18	<u>Comment on administrative draft:</u> AMMs 10 and 24 and MM BIO-162 are specific to construction activities and do not explicitly include measures for post-construction activities such as ongoing maintenance and operations. These need to be updated or not relied upon for minimization because the kit fox or the badger could appear after construction is completed, particularly if attracted by restoration of habitat.	Partially addressed. <u>ICF response:</u> "The AMMS apply to all covered activities which includes construction, maintenance and operations, and restoration and recreation. No edits needed." This is described in BDCP public draft Appendix 3.C.1. Section 4.1.23 states AMMs under Alternative 4A are consistent with the approach described in Appendix 3.C. We suggest updating BIO-162 to refer to all project activities. This may be a global comment for all MMs.
20	4.3.8-	23-26	<u>Comment on administrative draft:</u> Suggestions in comments above	See status of comments on page 4.3.8-297, lines 1-8 and

	297		should be considered for Substantive BDCP revisions in Appendix D to update AMMs 37, 10 and 24 and for an update to MM BIO-162 before these can be relied upon as measures that minimize mortality.	page 3.4.8-297, lines 15-18 above.
21	4.3.8-298	12-21	<u>Comment on administrative draft:</u> American badger needs to be included in these discussions as well. The modeled SJ kit fox habitat is also likely to represent suitable habitat for the badger. Lines 16-17 should not refer to an SJKF satellite population because there is no confirmed population in this area. This should be changed to existing suitable habitat in Contra Costa County. The mitigation in lines 19-21 would also benefit the badger.	Not addressed. <u>ICF response:</u> “some edits made, there is a population in Contra Costa County, and it would be considered a satellite.”
22	4.3.8-298 299	41-44 1-4	<u>Comment on administrative draft:</u> This CEQA conclusion can only be made for both species if suggested changes in comments above are made.	See status on comments on page 4.3.8-297, lines 1-8 and page 3.4.8-297, lines 15-18 above.
23	4.3.8-299	5-12	<u>Comment on administrative draft:</u> As noted above, a description of post-construction monitoring, relocation, and avoidance need to be included. Avoiding an active den should be achieved with a buffer, as in AMM 24.	Partially addressed. Addressed by stating surveys will be concurrent with SJKF and BUOW surveys. However, the size of the buffer was not specified. AMM24 provides a buffer for known SJKF dens of 100 feet. We suggest using the same buffer for American badger and SJ kit fox, or allowing badger buffer distance to be determined by a qualified biologist.
24	4.3.8-299	19-22	<u>Comment on administrative draft:</u> Ground squirrel control would degrade the value of SJKF and badger habitat by reducing prey and burrows. This should be discussed here.	Partially addressed. Should be contingent on presence of individual SJKF or badger, rather than the presence of populations. Ground squirrels would help a population become established.
25	4.3.8-299	34-41	<u>Comment on administrative draft:</u> Same as comment on page 4.3.8-298, lines 41-44.	See status on comments on page 4.3.8-297, lines 1-8 and page 3.4.8-297, lines 15-18above.
26	4.3.8-300	N/A	<u>Comment on administrative draft:</u> There are no discussions on methylmercury exposure (badgers prey on birds as well as small mammals), fragmentation, or inundation. Even if these are not impacts, they should be discussed for consistency with other species’ impacts analyses.	Partially addressed. <u>ICF response:</u> “there are no effects on badger or fox from methylmercury.” Although ICF’s response indicates that there is no impact, no discussion of potential impacts is included. Leaving methylmercury out of the indirect effects impact for these species is reasonable. However, several analyses of other species with no anticipated impacts from methylmercury are included. For example, the “Periodic Effects of Inundation” sections conclude that there will be no effect from methylmercury. We are suggesting consistency in this regard.

California tiger salamander				
27	4.3.8-95 96	43 21, 34	<u>Comment on administrative draft:</u> AMM 13 from the BDCP Appendix 3C will need to be updated to be consistent with language agreed upon by the TTT.	ICF response: "Information not available at this time". Please update as possible for the final draft.
28	4.3.8-97	30-32	<u>Comment on administrative draft:</u> There will need to be an updated version of AMM 13 as well, based on what was agreed upon in TTT.	ICF response: "Information not available at this time". Please update as possible for the final draft.
29	4.3.8-98	9	<u>Comment on administrative draft:</u> The USFWS Bay Area programmatic requires minimization of indirect effects from light, within a 1,000 ft buffer, which could result in increased likelihood of injury of mortality due to desiccation and predation. This needs to be discussed in more detail here and the minimization buffer needs to be added to AMM13.	ICF response: No permanent night lighting, minimal if any impact. We suggest restricting the use of all night lighting, permanent or temporary, which would illuminate adjacent suitable CTS habitat.
Loggerhead shrike				
30	4.3.8-334	10	<u>Comment on administrative draft:</u> Breeding shrikes have the status of species of special concern. Breeding shrikes also need shrubs and tall trees for perching and for nest placement, and are generally associated with riparian edge grasslands (Humple 2008) or grasslands/cultivated lands with trees and shrubs present. Impacts to this habitat are the most important to analyze over foraging habitat without the shrub and tree component.	Partially addressed <u>ICF response:</u> Can't re-run model but text was revised in accordance with this comment. It now states "Loggerhead shrike modeled habitat is overestimated as it does not differentiate between lands with or without associated nesting vegetation." We suggest adding "nesting and perching vegetation and structures" to this sentence. Other structures (fences, poles) can be used for perching. Though the model does not differentiate high quality from low quality as containing these components, adding this language shows that the impacts and compensation analysis is conservative because the model includes high-quality foraging habitat with and without perching structures. Low-value habitat doesn't appear in Figure 12-42, and shouldn't be considered when analyzing impacts. Row/truck crops and vineyard conversion is considered a threat to the species (Humple 2008). Therefore, compensation of these impacts with high-quality grassland and riparian is also a conservative approach.
31	4.3.8-265	1-2	<u>Comment on administrative draft:</u> Table 12-4A-50: Ensure impact analysis on high-value habitat includes riparian and riparian edge habitat. The analysis should be treated similarly to the Swainson's hawk and white-tailed kite.	Partially addressed <u>ICF response:</u> Can't model riparian edge habitat associated with grasslands, but the model is conservative as per status of comment on page 4.3.8-334, line 10. ICF also responded

				<p>that the text would suggest riparian habitat sited near open areas would provide nesting opportunities, but this revision does not appear in the text.</p> <p>Another suggestion is to include RRPP RBR5, which would protect 227 acres of grasslands on landward sides of levees adjacent to restored floodplain as foraging habitat for RBR. This would also benefit the shrike; however, we hope the shrikes won't prey on the rabbits!</p>
32	4.3.8-264-267	30-31 28-29 41-45	<u>Comment on administrative draft:</u> Temporary impacts on grasslands with trees and shrubs available for nesting and on riparian habitat should also be restored after construction. Thus AMM10 should be included for this species.	<p>Partially addressed</p> <p>A reference to AMM10 still needs to be added on page 4.3.8-265, line 12, and described on page 4.3.8-268, line 1, for habitat other than cultivated lands.</p>
33	4.3.8-267	30-31	<u>Comment on administrative draft:</u> Potential nesting shrubs and trees would also need to be mitigated at 2:1 if impacted, so the protected/restored habitat should contain an equivalent or higher number of shrubs or trees impacted. Riparian restoration and protection could be included here as mitigation if adjacent to high-quality foraging habitat. Tree or shrub replacement for Swainson's hawk or white-tailed kite could also apply to loggerhead shrike.	<p>Partially addressed</p> <p><u>ICF response:</u> "Can't model that impact for this draft. BUT have included riparian commitment and AMM18 commitment for trees to be adjacent to SWHA foraging habitat which would benefit LOSH."</p> <p>These benefits, as well as CL1, VFR1, and others that could be added (ECs 8 and 9, VP/ASW protection, RRPPs G8 and RBR5) do not meet the 2:1 mitigation for high-quality foraging habitat containing, or adjacent to, trees or shrubs. As a result, we recommend developing a mitigation measure for LOSH (which would also benefit other species) requiring that the 9,364 protected/restored grassland and suitable cultivated lands will be sited to have trees or shrubs present. SWHA habitat and RBR5 would cover about 7032 acres of this requirement.</p>
34	4.3.8-268	16	<u>Comment on administrative draft:</u> See comments above for a stronger CEQA conclusion for nesting shrikes.	<p>Partially addressed</p> <p>There is no mention of the importance of trees and shrubs in the CEQA conclusion. If the mitigation measure suggested for comment 48 is adopted, the CEQA conclusion would also reference that measure.</p>
Mountain plover				
35	4.3.8-247	1-8	<u>Comment on administrative draft:</u> All protected cultivated lands or even protected/restored grasslands wouldn't necessarily benefit the mountain plover (change to "could" benefit mountain plover).	<p>Partially addressed</p> <p>Addressed on page 247 and on page 249. EC 11 does not specifically manage habitat for ground foraging insectivores</p>

			Grasslands need to be managed to maintain a short vegetation height, and agricultural lands provide less suitable habitat than natural lands. Both would need good insect production with small amounts of vegetation so that plovers can seek invertebrates in cracks and crevices in the soil. Some cultivated land--including alfalfa, hay, and grain--would not be used if the plovers cannot access the soil (Hunting and Edson 2008). For the restoration and protection to be relied upon for a less than significant CEQA conclusion, the restored/protected lands would need to be managed to be suitable.	(heavily grazed or mowed, high invertebrate productivity), as stated in the analysis.
36	4.3.8-249	10-11	<u>Comment on administrative draft:</u> See comment 64. This is where the suitability of habitat impacted needs to be mitigated with equally suitable habitat (managed pasture or grassland, managed fallow ag land, or suitable agriculture) to meet the 2:1 requirement. Environmental Commitment 11 could accomplish part of this; however, it should be stated that the acres of grassland and cultivated lands protected or restored for mitigation will be selected and/or managed to meet suitability requirements for wintering mountain plover.	Partially addressed by EC 11. Restoration of grassland and protection of ASW/VP complex could also contribute to ECs meeting proposed mitigation ratios, in case there isn't enough suitable agriculture for this species. Relying on agricultural land assumes the protected habitat for SWHA and other species that are small mammal foragers are also suitable for insect foragers. However, SWHA foraging habitat could have higher vegetation cover than requirements of insect foragers. Mountain plover relies more on managed grassland, pastures, and harvested/fallowed fields than the majority of agricultural lands proposed for protection (Hunting and Edson 2008). This could be short of the proposed mitigation requirement for this species.
Black tern				
37	4.3.8-251	4-5	<u>Comment on administrative draft:</u> Black terns also nest in marshes or marsh complexes on emergent, floating, or aquatic vegetation (Shuford 2008). Central Valley black terns mostly breed in rice fields, but a few breed in emergent wetlands. Impacts to emergent wetlands should also be analyzed.	Partially addressed ICF response: "Can't change model for Recirculated Draft. Could add for the final EIR/EIS." This comment was addressed except for updating the model and analyzing potential impact to emergent wetland (marsh).
38	4.3.8-251	10-18	<u>Comment on administrative draft:</u> Same as comment on page 4.3.8-251, lines 4-5 above. Ensure emergent wetlands are included in the impact analysis.	Partially addressed See status of comment on page 4.3.8-251, lines 4-5 above.
39	4.3.8-251	13-18 20-25	<u>Comment on administrative draft:</u> The BSSC account infers that breeding black terns are extirpated from the Delta. This may be a strong analysis for a lack of direct and indirect effects on individual birds, but not necessarily on habitat. Furthermore, discussions on	Noted but not addressed This comment should be addressed after the model is revised to assess impacts on emergent wetland. We suggest discussing potential impacts to migrating birds.

			potential impacts should be warranted if the restoration of tidal or nontidal marsh attracts black terns to recolonize the Delta, since they regularly occur in the Sacramento Valley just north of the Yolo Bypass. The black tern may also occur occasionally in the Delta during migration or after breeding.	Impacts to other migratory bird species assume individuals would evade disturbance impacts that could cause mortality. We suggest requiring surveys of any rice, flooded agricultural fields, or nontidal marsh wetlands within 200 feet of the footprint in case black terns start recolonizing the Delta during the project term. This requirement could be added along with a reference to MM BIO-75 to Impact BIO 129.
California horned lark and grasshopper sparrow				
40	4.3.8-252	8	<u>Comment on administrative draft:</u> Cultivated lands modeled should also include alfalfa.	Not addressed. <u>ICF response:</u> "Comment noted. Can't change model for Recirculated Draft. Could add for the final EIR/EIS."
41	4.3.8-252	14-15	<u>Comment on administrative draft:</u> Protection of grasslands could benefit these species if the grasslands are moderately open and managed to maintain low to medium vegetation height (Unitt 2008). Horned larks require short, sparse vegetation and may favor bare, dry ground. Both species are mostly ground foragers. Only a portion of protected cultivated lands will benefit these species.	Partially addressed. See comment status for mountain plover.
42	4.3.8-254	38-43	<u>Comment on administrative draft:</u> Suitability of habitat impacted needs to be mitigated with equally suitable habitat (managed pasture or grassland, managed fallow ag land, or suitable agriculture) to meet the 2:1 requirement. Environmental Commitment 11 could accomplish part of this; however, it should be stated that the acres of grassland and cultivated lands protected or restored for mitigation will be selected and/or managed to meet suitability requirements for the species.	Partially addressed per status of comments on page 4.3.8-247, lines 1-8 and page 4.3.8-252, lines 14-15 above. ICF stated that a mitigation measure cannot be developed to ensure the management of lands restored/protected through ECs will meet proposed CEQA mitigation ratios for these grassland species. Horned larks have similar foraging requirements as mountain plovers. Grasshopper sparrows are also ground foragers that prefer dry, sparsely vegetated sites with open or bare ground for feeding, but also use medium height grasses and alfalfa. All of these birds are declining grassland species that may not have adapted as well to agriculture as Swainson's hawk. Therefore, relying mostly on protected agricultural land for their mitigation would not benefit the species as much as mitigating with heavily managed grassland.
Least bittern and white-faced ibis				
43	4.3.8-259 260	28 8	<u>Comment on administrative draft:</u> Include AMM 37 here and in the CEQA conclusion.	Partially addressed. Not addressed on page 259, lines 19-23.

References Cited

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